

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE: ROBERT MICHAEL COOK,

Debtor.

Case No. 3:08-bk-06637-PMG

Chapter 7

FIRST EQUITY CARD CORPORATION
1120 Welsh Road, Suite 200
North Wales, PA 19454,

Plaintiff,

A.P. No. 3:09-ap-00049-PMG

Related Document:
Docket Entry No. 1

v.

ROBERT MICHAEL COOK
96117 Oyster Bay Drive
Fernandina Beach, FL 32034,

Defendant.

Judgment

~~ORDER SETTLING ADVERSARY PROCEEDING~~

First Equity Card Corporation, by its attorney, having filed an Adversary Proceeding Complaint (Docket Entry No. 1), seeking an Order pursuant to 11 U.S.C. §523(a)(2)(A) that the Defendant's indebtedness to the Plaintiff is an exception to discharge, with interest from October 27, 2008, plus the Plaintiff's costs and disbursements incurred for the collection of this debt and of this action, and the abovementioned parties having subsequently entered into negotiations resulting in the agreement set forth herein, and having consented to the entering of this Order setting forth their agreement which settles this Adversary Proceeding, however, the entering into this settlement shall not be deemed an admission of

Rmc

RECORDED IN THE US BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
J.B. VOL. 57 NO. 7303

any fraud or wrongdoing by the Defendant, and upon all papers and proceedings had herein, and after due deliberation, it is hereby

ORDERED, that:

1. The Defendant shall pay to the Plaintiff the sum of \$4,300.00 (without interest), payable at \$100.00 a month, with the first payment being due by May 1, 2009, and each subsequent payment being due by the first day of each and every month thereafter until the entire amount set forth in this paragraph has been paid in full;

2. Although the due date for each monthly payment is the first day of each month, the Defendant shall have until the fifteenth day of each month to make the monthly payment. However, if the Plaintiff is not in receipt of the monthly payment by the fifteenth day of the month, the Defendant shall be in default of this Settlement Agreement;

3. The Defendant shall have the right to prepay at any time, without penalty, the unpaid balance of the settlement amount set forth in paragraph 1 above; and

4. If the Defendant is in default of this Agreement, the Defendant agrees he shall then be required to pay to the Plaintiff the amount of \$5,289.07, plus interest from October 27, 2008, at the ^{legal} rate of .55%, less a credit to the Defendant for any payment(s) made to the Plaintiff pursuant to the abovementioned Stipulation. In the event of a default by the Defendant, the Plaintiff shall be entitled to seek a judgment in the amount as agreed to in this paragraph, upon the presentation to this Court by the Plaintiff's

RMC

attorney, of an Affidavit setting forth the event of default and the calculation for the judgment amount pursuant to the terms of this paragraph, upon ten days notice to the Defendant, and it is further

ORDERED, that the settlement amount set forth in paragraph 1. above, and the Judgment amount set forth in paragraph 4. above (if applicable), shall be excepted from the Defendant's discharge pursuant to 11 U.S.C. §523(a)(2)(A) in this and any subsequent bankruptcy case, and it is further

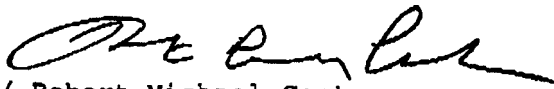
ORDERED, that this Adversary Proceeding shall hereby be closed given the Settlement entered into by the parties hereto.

DONE AND ORDERED, in Jacksonville, Florida, on April 21, 2009.



~~HONORABLE~~ PAUL M. GLENN
CHIEF UNITED STATES BANKRUPTCY JUDGE

The parties, having reviewed the abovementioned Order, consent to this Court entering this Order as settlement of this Adversary Proceeding.



/s/ Robert Michael Cook
Robert Michael Cook
Defendant
96117 Oyster Bay Drive
Fernandina Beach, FL 32034



/s/ Mark S. Kessler

Mark S. Kessler, Esq., Bar #258326
Attorney for Plaintiff
Mark S. Kessler, P.A.
331 E. Union Street
Jacksonville, FL 32202
Telephone: 904-350-0060
Facsimile: 904-350-9906
Email: APKSM@aol.com

End of Order # #

Copies to:

Robert Michael Cook
96117 Oyster Bay Drive
Fernandina Beach, FL 32034

Gregory K. Crews, Trustee
8584 Arlington Expressway
Jacksonville, FL 32211

United States Trustee's Office
135 W. Central Boulevard, Suite 620
Orlando, Florida 32801

Mark S. Kessler, Esq.
Mark S. Kessler, P.A.
331 E. Union Street
Jacksonville, FL 32202